

CALIFORNIA STATE BOARD OF EDUCATION

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AGENDA

October 9-10, 2002

Please Note New Location

California Department of Education
1430 N Street, Room 1101
[Located at the corner of 15th and N Streets]
Sacramento, California

SCHEDULE OF MEETINGS

LOCATION

Wednesday, October 9, 2002

9:00 a.m. ±

STATE BOARD OF EDUCATION
Closed Session – IF NECESSARY
(The public may not attend.)

California Department of Education

1430 N Street, Room 1101
Sacramento, California
(916) 319-0827

The Closed Session (1) may commence earlier than 9:00 a.m.; (2) may begin at or before 9:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 9:00 a.m.

CLOSED SESSION AGENDA

Under *Government Code* section 11126(e)(1), the State Board of Education hereby provides public notice that some or all of the pending litigation which follows will be considered and acted upon, as necessary and appropriate, in closed session:

- *Amy v. California Dept. of Education, et al.*, Los Angeles County Superior Court, Case No. 99CV2644LSP
- *Boyd, et al. v. State of California, et al.*, Sacramento County Superior Court, Case No. 01CS00136
- *Brian Ho, et al., v. San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. C-94-2418 WHO

For more information concerning this agenda, please contact Richard W. Brandsma, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA, 95184; P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 319-0827; fax (916) 319-0176. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website: www.cde.ca.gov/board.**

- *California Association of Private Special Education Schools, et al., v. California Department of Education, et al.*, Los Angeles County Superior Court, Case No. BC272983
- *California Department of Education, et al., v. San Francisco Unified School District, et al.*, San Francisco Superior Court, Case No. 994049 and cross-complaint and cross-petition for writ of mandate and related actions
- *California State Board of Education v. Delaine Eastin, the Superintendent of Public Instruction for the State of California*, Sacramento County Superior Court, Case No. 97CS02991 and related appeal
- *Campbell Union High School District. et al., v. State Board of Education et al.*, Sacramento Superior Court, Case No. 99CS00570
- *Chapman, et al., v. California Department of Education, et al.*, United States District Court, Northern District of California, Case No. C-01-1780 BZ
- *City Council of the City of Folsom v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00954
- *Coalition for Locally Accountable School Systems v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00939
- *Comité de Padres de Familia v. Honig*, Sacramento County Superior Court, Case No. 281124; 192 Cal.App.3d 528 (1987)
- *Crawford v. Honig*, United States District Court, Northern District of California, C-89-0014 DLJ
- *CTA, et al. v. Wilson*, United States District Court, Central District of California, Case No. 98-9694 ER (CWx) and related appeal
- *Daniel, et al v. State of California, et al.*, Los Angeles Superior Court, Case No. B C214156.
- *Donald Urista, et al. v. Torrance Unified School District, et al.*, United States District Court, Central District of California, Case No. 97-6300 ABC
- *Educational Ideas, Inc. v. State of California, et al.*, Sacramento Superior Court, Case No. 00CS00798
- *Emma C. et al. v. Delaine Eastin et al.*, United States District Court, Northern District of California, Case No. C 96 4179
- *Ephorm, et al., v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC013485
- *Larry P. v. Riles*, 495 F.Supp 926 (N.D. Ca. 1979) aff'd in part, rev'd in part, 793 F.2d 969 (9th Cir. 1986)
- *Maria Quiroz, et al. v. State Board of Education, et al.*, Sacramento County Superior Court, Case No. 97CS01793 and related appeal
- *Maureen Burch, et al. v. California State Board of Education*, Los Angeles County Superior Court, Case No. BS034463 and related appeal
- *McNeil v. State Board of Education*, San Mateo County Superior Court, Case No. 395185
- *Meinsen et al. v. Grossmont Unified School District et al.*, C 96 1804 S LSP, U.S. District Court, Southern District of California (pending)
- *Ocean View School District, et al. v SBE, et al.*, Superior Court of San Francisco, Case No. CGC-02-406738
- *Porter, et al., v. Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402.
- *Roxanne Serna, et al., v. Delaine Eastin, State Superintendent of Public Instruction, et al.*, Los Angeles County Superior Court, Case No. BC174282
- *San Francisco NAACP v. San Francisco Unified School District, et al.*, United States District Court, Northern district of California, Case No. 78-1445 WHO
- *San Mateo-Foster City School District, et al., v. State Board of Education*, San Mateo County Superior Court, Case No. 387127
- *San Rafael Elementary School District v. State Board of Education, et. al.*, Sacramento Superior Court, Case No. 98-CS01503 and related appeal
- *Shevtsov v. California Department of Education*, United States District Court, Central District of California, Case No. CV 97-6483 IH (CT)
- *Valeria G., et al. v. Wilson, et al.*, United States District Court, Northern District of California, Case No. C-98-2252-CAL; *Angel V. v. Davis*, Ninth Circuit No. 01-15219
- *Wilkins, et al., v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC014071
- *Williams, et al. v. State of California, et al.*; San Francisco Superior Court, Case No. 312236.
- *Wilson, et al. v. State Board of Education, et al.*; Los Angeles Superior Court, Case No. BC254081

Under *Government Code* section 11126(e)(2), the State Board of Education hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see *Government Code* section 11126(e)(2)(B)(ii)] and, if so, to proceed with closed session consideration and

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California State Board of Education

AGENDA October 9-10, 2002

action on that matter, as necessary and appropriate [see *Government Code* section 11126(e)(2)(B)(i)]; or, based on existing facts and circumstances, if it has decided to initiate or is deciding whether to initiate litigation [see *Government Code* section 11126(e)(2)(C)].

Under *Government Code* section 11126(c)(14), the State Board of Education hereby provides public notice that it may meet in closed session to review and discuss the actual content of pupil achievement tests (including, but not limited to, the High School Exit Exam) that have been submitted for State Board approval and/or approved by the State Board.

Under *Government Code* section 11126(a), the State Board of Education hereby provides public notice that it may meet in closed session regarding the appointment, employment, evaluation of performance, or dismissal of employees exempt from civil service under Article VII, Section 4(e) of the California Constitution.

Wednesday, October 9, 2002

9:00 a.m. ± (Upon Adjournment of Closed Session, if held)

STATE BOARD OF EDUCATION
Public Session

California Department of Education

1430 N Street, Room 1101
Sacramento, California
(916) 319-0827

Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

Thursday, October 10, 2002

8:00 a.m. ±

STATE BOARD OF EDUCATION
Closed Session – IF NECESSARY
(The public may not attend.)

California Department of Education

1430 N Street, Room 1101
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Please see Closed Session Agenda above. The Closed Session (1) may commence earlier than 8:00 a.m.; (2) may begin at or before 8:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 8:00 a.m.

Thursday, October 10, 2002

8:00 a.m. ± (Upon Adjournment of Closed Session, if held)

STATE BOARD OF EDUCATION
Public Session

California Department of Education

1430 N Street, Room 1101
Sacramento, CA 95814
(916) 319-0827

Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

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ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY
ALL ITEMS MAY BE RE-ORDERED TO BE HEARD ON ANY DAY OF THE NOTICED MEETING
THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

Persons wishing to address the State Board of Education on a subject to be considered at this meeting, including any matter that may be designated for public hearing, are asked to notify the State Board of Education Office (see telephone/fax numbers below) by noon of the third working day before the scheduled meeting/hearing, stating the subject they wish to address, the organization they represent (if any), and the nature of their testimony. Time is set aside for individuals so desiring to speak on any topic NOT otherwise on the agenda (please see the detailed agenda for the Public Session). In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the California State Board of Education (SBE), may request assistance by contacting the SBE Office, 1430 N Street, Room 5111, P.O. Box 944272, Sacramento, CA, 94244-2720; telephone, (916) 319-0827; fax, (916) 319-0176.

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CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD
Public Session
AGENDA

October 9-10, 2002

Wednesday, October 9, 2002 – 9:00 a.m.± (Upon adjournment of Closed Session if held)

California Department of Education, 1430 N Street, Room 1101, Sacramento, California

Call to Order

Salute to the Flag

Approval of Minutes (September 2002 Meetings)

Announcements

Communications

REPORT OF THE SUPERINTENDENT (May be held over to the Thursday session)

SPECIAL PRESENTATIONS

Public notice is hereby given that special presentations for informational purposes may take place during this session.

ITEM 1	STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; and other matters of interest.	INFORMATION ACTION
ITEM 2	PUBLIC COMMENT. Public Comment is invited on any matter <u>not</u> included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	INFORMATION
ITEM 3	No Child Left Behind (NCLB) Act: Including, but not limited to, Update on NCLB and Reading First Implementation.	INFORMATION ACTION
ITEM 4	No Child Left Behind (NCLB) Accountability Plan.	INFORMATION ACTION

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ITEM 5	Board Briefing regarding the California Statewide System of School Support (S4).	INFORMATION
ITEM 6	Recommended process for assigning sanctions to schools in Cohort I of the Immediate Intervention/Underperforming Schools Program (II/USP) that failed to make significant growth each of two implementation years.	INFORMATION
ITEM 7	Standardized Testing and Reporting (STAR) Program, California Standards Tests (CST): Including, but not limited to, Revision of the Grade 11 English-Language Arts and High School Mathematics Blueprints for Golden State Exam (GSE) Linking, the New Grade 4-5 Science Blueprint, the new 70-item Grade 8 History-Social Science Blueprint, and Final Review of Both Public and Non-Public Blueprints for English-Language Arts, Mathematics, History-Social Science, and Science	INFORMATION ACTION
ITEM 8	Standardized Testing and Reporting (STAR) Program, California Standards Tests (CST): Adoption of the Integrated Science Blueprints.	INFORMATION ACTION
ITEM 9	Standardized Testing and Reporting (STAR) Program: 2003 STAR Proposed Report Package and Preliminary Plan for Reporting California Standards Test Results to Teachers.	INFORMATION ACTION
ITEM 10	Standardized Testing and Reporting (STAR) Program: Receive 2003 Accommodations and Modifications for Testing Students with Disabilities.	INFORMATION ACTION
ITEM 11	Testing Policies for English Learners.	INFORMATION ACTION
ITEM 12	Standardized Testing and Reporting (STAR) Program: Approval of 2003 Eligibility Criteria for Governor's Scholars Program.	INFORMATION ACTION
ITEM 13	California High School Exit Examination (CAHSEE): Including, but not limited to, Information on the Spring Test Results.	INFORMATION ACTION
ITEM 14	California High School Exit Examination (CAHSEE): Adoption of Revised Regulations.	INFORMATION ACTION

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ITEM 15	Report of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
ITEM 16	Implementation of the Mathematics and Reading Professional Development Program (AB 466, Strom-Martin), Including, but not Limited to, Approval of Training Providers and Training Curriculum.	ACTION
ITEM 17	Permanent Regulations Defining “Instructional Materials...Otherwise Authorized by the State Board of Education” for purposes of the Mathematics and Reading professional Development Program, AB 466 (Chapter 737, Statutes of 2001).	ACTION

ADJOURNMENT OF DAY’S SESSION

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Thursday, October 10, 2002 – 8:00 a.m. ± (Upon Adjournment of Closed Session, if held)

California Department of Education, 1430 N Street, Room 1101, Sacramento, California

REPORT OF THE SUPERINTENDENT (unless presented on the preceding day)

SPECIAL PRESENTATIONS

Public notice is hereby given that special presentations for informational purposes may take place during this session.

ITEMS DEFERRED FROM PRECEDING DAY

Any matters deferred from the previous day's session may be considered.

The State Board of Education will also consider and take action as appropriate on the following agenda items:

ITEM 18	Assignment of Numbers for Charter School Petitions.	ACTION
ITEM 19	Gifted and Talented Education Funding.	ACTION
ITEM 20	California Learning Resource Network (CLRN) Advisory Committee.	ACTION
ITEM 21	Appointment to the English Learner Advisory Committee.	ACTION
ITEM 22	Advisory Commission on Charter Schools: Including, but not limited to, Appointment of a Member.	INFORMATION ACTION
ITEM 23	Legislative Update: Including, but not limited to, the list of bills that were tracked during the 2002 legislative session.	INFORMATION ACTION
ITEM 24	Permanent Regulations Relating to Disputes Between School Districts and Charter Schools Regarding Facilities for Charter Schools.	INFORMATION ACTION
ITEM 25	Approval of 2002-2003 Consolidated Applications.	ACTION

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WAIVER REQUESTS

CONSENT MATTERS

The following agenda items include waivers and other administrative matters that California Department of Education (CDE) staff have identified as having no opposition and presenting no new or unusual issues requiring the State Board's attention.

CHARTER SCHOOLS

ITEM WC-1	Request by the Orange Unified School District to waive Title 5 CCR Section 11060, related to charter school attendance, for El Rancho Charter School. CDSIS-5-6-2002 (Recommended for APPROVAL WITH CONDITIONS) <i>Education Code</i> Section 33051(c) will apply	ACTION
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HIGH SCHOOL EXIT EXAMINATION (special education students)

ITEM WC-2	Request by Natomas Unified School District to waive <i>Education Code</i> Section 60851(a), "the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school" for one special education student. #016 CDSIS-7-8-2002 (Recommended for APPROVAL)	ACTION
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NON-CONSENT (ACTION)

The following agenda items include waivers and other administrative matters that CDE staff have identified as having opposition, being recommended for denial, or presenting new or unusual issues that should be considered by the State Board. On a case by case basis public testimony may be considered regarding the item, subject to the limits set by the Board President or the President's designee; and action different from that recommended by CDE staff may be taken.

ACADEMIC PERFORMANCE INDEX (adult testing irregularities)

ITEM W-1	Healdsburg Unified School District (HUSD) Academic Performance Index (API) Waiver. Specifically, the HUSD requests a waiver of Title 5 CCR Section 1032(d) (1) to allow Foss Creek Elementary School to be given a valid API (no awards) for the current year (2002), in spite of "adult testing irregularities." CDSIS-21-7-2002 (Recommended for DENIAL per <i>Education Code</i> Section 33051(a) (1), the educational needs of the pupils are not adequately addressed.	ACTION
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ITEM W-2	Alhambra Schools District (ASD) Academic Performance Index (API Waiver). Specifically, the ASD requests a waiver of Title 5 CCR Section 1032(d)(1) and (3) to allow Mark Keppel High School to be included in the API for the current year (2002) or at least in the subsequent year (2003). The district had "adult testing irregularities." CDSIS-39-7-2002 (Recommended for DENIAL per <i>Education Code</i> Section 33051(a) (1), the educational needs of the pupils are not adequately addressed.	ACTION
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EQUITY LENGTH OF TIME

ITEM W-3	Request by Beardsley School District to waive <i>Education Code</i> Section 37202, equity length of time requirement for some of the kindergarten students at North Beardsley Elementary. CDSIS-26-7-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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ITEM W-4	Request by Jefferson Elementary School District to waive <i>Education Code</i> (EC) Section 37202, the equity length of time requirement for the kindergarten pupils at Roosevelt School. CDSIS-41-7-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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ITEM W-5	Request by Baldwin Park Unified School District to waive <i>Education Code</i> Section 37202, equity length of time requirement for the students at the Sante Fe Fundamental School and the Holland and Olive Middle Schools. CDSIS-5-8-2002 (Recommended for APPROVAL) <i>EC</i> Section 33051(c) will apply	ACTION
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ITEM W-6	Request by Oxnard School District to waive <i>Education Code (EC)</i> Section 37202, equity length of time requirement for the kindergarten students at Elm Elementary, Cesar Chavez Elementary and Emily Ritche Elementary (and other schools as necessary in the following year). CDSIS-10-8-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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INSTRUCTIONAL TIME PENALTY

ITEM W-7	Request by John Swett Unified School District to waive <i>Education Code</i> Section 46201(c)(1)(2)(3) the longer day instructional time penalty and <i>Education Code</i> Section 46202 (a), the penalty for falling below the 1982-83 instructional minute baseline for the fiscal year 2000-01 at John Swett High. CDSIS-56-1-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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ITEM W-8	Request by Fremont Unified School District under the <i>Education Code</i> Section 46206 to waive Education Code Section 46201(c), the full longer-day instructional time penalty for the 2000-2001 school year for Washington and Irving High Schools. CDSIS-49-1-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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INSTRUCTIONAL MATERIALS FUND PETITIONS

ITEM W-9	Petition request under <i>Education Code</i> Section 60200(g) by Santa Barbara County Office of Education to purchase nonadopted Instructional Resources for “special education students” using Instructional Materials Fund (IMF) monies. (List attached) CDSIS-36-5-2002 (Recommended for APPROVAL from date of SBE action through August 31, 2004)	ACTION
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ITEM W-10	Petition request under <i>Education Code</i> (EC) Section 60200(g) by Stanislaus County Office of Education to purchase nonadopted Instructional Resources for "special education students" using Instructional Materials Fund (IMF) monies. (List attached) CDSIS-33-5-2002 (Recommended for APPROVAL from date of SBE action through August 31, 2004)	ACTION
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PHYSICAL EDUCATION INSTRUCTIONAL MINUTES

ITEM W-11	Request by San Ysidro School District for a retroactive waiver for Sunset Elementary School to waive the required physical educational instructional minutes as specified in <i>Education Code</i> Section 51210(g); and <i>Education Code</i> Section 60800(a) physical fitness testing during March, April, or May, due to playground construction. CDSIS-6-5-2002 (Recommended for APPROVAL of <i>Education Code</i> Section 51210(g) with conditions). (Recommended for DENIAL of <i>Education Code</i> Section 60800 based on <i>Education Code</i> Section 33051(a)(1), the educational needs of the pupils are not adequately addressed.	ACTION
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END OF WAIVER REQUESTS

ITEM 26	Request by the New West Charter Middle School Petitioners to Establish New Deadlines for Meeting State Board of Education Conditions of Approval to Open.	INFORMATION ACTION
ITEM 27	Appeal by Chief Petitioners of the County Committee's Denial of a Petition to Transfer Territory from the Val Verde Unified School District to the Riverside Unified School District in Riverside County.	ACTION
ITEM 28	Proposed Additions and Amendments to Title 5, CCR, Regulations Relating to Special Education.	INFORMATION ACTION
ITEM 29	Special Education Local Plan Area Size and Scope Standards.	INFORMATION
ITEM 30	Revisions to the California School Accounting Manual.	INFORMATION

ADJOURNMENT OF MEETING

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